

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

MARINER HEALTH CENTRAL, INC.,  
*et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10877 (LSS)

(Jointly Administered)

Related Dkt. Nos. 120

Hearing: TBD

Objections Due: TBD

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' MOTION TO  
SHORTEN NOTICE WITH RESPECT TO THE COMMITTEE'S MOTION  
AND JOINDER TO TRANSFER VENUE OF THE DEBTORS' CHAPTER 11  
CASES TO THE UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

The Official Committee of Unsecured Creditors (the “Committee”) of Mariner Health Central, Inc. (“Mariner”) and the other above-captioned affiliated debtors (collectively, the “Debtors”), by and through its undersigned counsel, hereby moves (the “Motion”) this Court for entry of an order, pursuant to sections 102 and 105 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”), Rules 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-1(e) of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), for an order, substantially in the form attached hereto as Exhibit A, shortening the notice and objection periods for the *Official Committee of Unsecured Creditors’ Motion and Joinder to Transfer Venue of the Debtors’ Chapter 11 Cases to the United States Bankruptcy Court for the Northern District of*

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<sup>1</sup> The Debtors, along with the last four digits of each Debtor’s tax identification number, are Mariner Health Central, Inc. (6203), Parkview Holding Company GP, LLC (1536), and Parkview Operating Company, LP (7273). The Debtors’ headquarters are located at 3060 Mercer University Drive, Suite 200, Atlanta, GA 30341.

*California, Oakland Division* (“Motion to Transfer”).<sup>2</sup> In support of this Motion, the Committee respectfully states as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157. Venue of this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are sections 102(1) and 105(a) of the Bankruptcy Code, as supplemental by Rule 9006 of the Federal Bankruptcy Procedure and Local Rule 9006-1(e).

### **RELEVANT BACKGROUND**

1. On September 19, 2022 (the “Petition Date”), the Debtors commenced these cases by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

2. Debtor Parkview is one of 20 skilled nursing facilities within the Mariner enterprise, each of which is located in California.

3. On October 5, 2022, certain plaintiffs filed the *Motion to Transfer Venue of Bankruptcy Cases to the United States Bankruptcy Court for the Northern District of California Oakland Division* [D.I. 76] (the “Venue Motion”). On October 6, 2022, the State of California filed its *Joinder by the State of California in Support of the Motion of the Ledesma Action Plaintiffs to Transfer Venue of Affiliated Chapter 11 Bankruptcy Case to the United States Bankruptcy Court for the Northern District of California* [D.I. 80] (the “California Joinder”).

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion to Transfer.

4. On October 7, 2022, the Office of the United States Trustee (the “U.S. Trustee”) appointed the Committee, which comprises seven members. *See Notice of Appointment of Committee of Unsecured Creditors* [D.I. 83].

5. The Committee selected proposed counsel on October 11, 2022 and selected a financial advisor on October 14, 2022. One of the Committee’s proposed lead attorneys on these matters is a California-barred attorney who is admitted to the Northern District of California, and at least one member of the Committee’s proposed financial advisory team is California-based. Committee counsel also maintains an office in California.<sup>3</sup>

6. The Committee understands that the Debtors’ proposed lead bankruptcy counsel maintain offices in California. The Debtors’ proposed CRO is also based in California.

#### **RELIEF REQUESTED**

7. The Committee respectfully requests that the Court set the Motion to Transfer, together with the Venue Motion and any joinders thereto, including the California Joinder, for hearing as the first item at the October 25, 2022 Hearing, and set the objection deadline for the Motion to Transfer for Thursday, October 21, 2022 at 12:00 pm (E.T.), or such later time as agreed to by the parties.

#### **BASIS FOR RELIEF**

8. Section 102(1) of the Bankruptcy Code makes clear that the phrase “after notice and a hearing” requires only such notice and opportunity to be heard as may be appropriate under the circumstances. 11 U.S.C. § 102(1)(A). Section 105(a) of the Bankruptcy Code provides that the Court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a).

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<sup>3</sup> Upon information and belief, Pachulski, Stang, Ziehl & Jones LLP is serving in local capacity only, but even if its expertise is required, that firm also has offices in California.

9. Local Bankruptcy Rule 9006-1(c) provides that “unless the Fed. R. Bankr. P. or these Local Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days prior to the hearing date.” Del. Bankr. L.R. 9006-1(c)(i). Local Bankruptcy Rule 9006-1(e) provides that “[n]o motion will be scheduled on less notice than required by these Local Bankruptcy Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion [...] specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e).

10. The Committee requests that the Motion to Transfer be heard at the October 25, 2022 Hearing, together with the Venue Motion and any joinders thereto, including the California Joinder, before all other matters. As set forth in greater detail in the Motion to Transfer, the Committee seeks to transfer cases, together with the related adversary proceedings, to the United States Bankruptcy Court for the Northern District of California, Oakland Division.

11. This matter is not being brought to the parties for the first time today. The Venue Motion, requesting the same relief, is already pending before this Court, and is supported by the State of California, as set forth in the California Joinder. The Committee is charged with acting on behalf of all general unsecured creditors and therefore is filing the Motion to Transfer, requesting the same relief for similar reasons as the Venue Motion, on behalf of all creditors as part of its fiduciary duty to the general unsecured creditor body.

12. Accordingly, the Committee respectfully submits that cause exists to hear the Motion to Transfer on shortened notice. The relief requested is not prejudicial to the main parties as they will receive timely notice by electronic mail. The remainder of the parties requesting notice will still have ample time to respond to the Motion to Transfer. The Committee respectfully

requests that the Debtors' and any other responses be set for October 21, 2022 at 12:00 pm (et), such later time as agreed to by the parties.

13. The Committee will provide notice of this Motion to: (i) the U.S. Trustee; (ii) counsel to the Debtors; and (iii) all parties that, as of the filing of this Motion, have requested notice in these chapter 11 cases pursuant to Bankruptcy Rule 2002. A copy of this Motion is also available on the Debtors' case website at <https://www.kccllc.net/marinerhealthcentral>.

### **CONCLUSION**

14. WHEREFORE, the Debtors respectfully request entry of the Proposed Order substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other as is just and proper.

*[Remainder of page intentionally left blank]*

**CERTIFICATION PURSUANT TO LOCAL RULE 9006-1(e)**

15. Pursuant to Local Rule 9006-1(e), on October 14, 2022, counsel to the Committee reached out by email to the Debtors and the U.S. Trustee regarding the relief requested in this Motion to Shorten. The Debtors have indicated that they do not consent to and intend to object to the request to shorten notice. The U.S. Trustee takes no position with respect to the requested relief.

Dated: October 18, 2022  
Wilmington, Delaware

**ROBINSON & COLE LLP**

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